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EXAMINER ANWAH, OLISA				
ART UNIT			PAPER NUMBER	
2614				

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/557,333

Applicant(s)

QUINTON, MARY MICHELLE

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8/30/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-91 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 11-77 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 78-91 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/30/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

**Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-8, 10, 78-80, 82, 83 and 85-90 are rejected under 35 U.S.C. § 102(e) as being anticipated by Swartz, U.S. Patent No. 6,445,694 (hereinafter Swartz).

Regarding claim 1, Swartz discloses an enhanced interactive voice response system, comprising:

a call router (see unit 31 from Figure 1) to route an internet protocol telephony call (see IP telephony from column 11);

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an interactive voice response application (see TAPI from column 4) to receive the Internet protocol telephony call from the call router; and

a telephony API used by the application to form a connection with a caller and control a media stream transmitted over the connection by selecting a terminal object from among a group of registered terminal objects adhering to a uniform interface, each providing specific functionality to process the media stream, wherein various programmers (see programmers from column 4) can provide registerable telephony services using terminal objects that rely on the telephony API.

Regarding claim 2, see gateway from column 11.

Regarding claim 3, see PSTN from abstract.

Regarding claim 4, see column 11.

Regarding claim 5, see column 11.

Regarding claim 6, see Figure 1.

Regarding claim 7, see Figure 1.

Regarding claim 8, see Figure 1.

Regarding claim 10, see Figure 1.

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Regarding claim 78, Swartz discloses a method of handling an internet protocol telephony call in an interactive voice response application, comprising:

listening for an internet protocol telephony call (see IP telephony from column 11);

receiving an internet protocol telephony call from a call router (see unit 31 from Figure 1);

forming a connection with a caller using a telephony API (see TAPI from column 4); and

controlling a media stream transmitted over the connection by selecting a terminal object from among a group of registered terminal objects exposed by a telephony API and adhering to a uniform interface, each providing specific functionality to process the media stream, wherein various programmers (see programmers from column 4) can provide registerable telephony services using terminal objects that rely on the telephony API.

Regarding claim 79, see speech recognition from column 13.

Regarding claim 80, see speech recognition from column 13.

Regarding claim 82, see DTMF tone signaling detection from column 13.

Regarding claim 83, see speech recognition from column 13.

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Regarding claim 85, Swartz discloses a computer-readable medium containing instructions for controlling a computer system to handle an internet protocol telephony call in an interactive voice response application, by a method comprising:

receiving an internet protocol telephony call (see IP telephony from column 11) from a call router (see unit 31 from Figure 1);

forming a connection with a caller using a telephony API (see TAPI from column 4); and

controlling a media stream transmitted over the connection by selecting a terminal object from among a group of registered terminal objects exposed by a telephony API and adhering to a uniform interface, each providing specific functionality to process the media stream, wherein various programmers (see programmers from column 4) can provide registerable telephony services using terminal objects that rely on the telephony API.

Regarding claim 86, see speech recognition from column 13.

Regarding claim 87, see speech recognition from column 13.

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Regarding claim 89, see DTMF tone signaling detection from column 13.

Regarding claim 90, see speech recognition from column 13.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 81, 84, 88 and 91 are rejected under 35 U.S.C § 103(a) as being unpatentable over Swartz in view of Ball et al, U.S. Patent No. 6,529,863 (hereinafter Ball).

Regarding claim 81, Swartz does not clearly teach the grammar is loaded from an XML file. All the same, Ball shows this feature (see columns 5 and 16). Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the voice control function of Swartz with the XML file of Ball. This modification would have improved the flexibility of Swartz by employing various languages as suggested by Ball.

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Regarding claim 84, Swartz does not clearly teach the menu of choices is loaded from an XML file. All the same, Ball shows this feature (see columns 5 and 16). Hence, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the voice control function of Swartz with the XML file of Ball. This modification would have improved the flexibility of Swartz by employing various languages as suggested by Ball.

Claim 88 is rejected for the same reasons as claim 81.

Claim 91 is rejected for the same reasons as claim 84.

#### ***Response to Arguments***

5. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

#### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Olisa Anwah  
Patent Examiner  
September 6, 2006

Olisa Anwah